

## REMARKS

### *Claims*

It is kindly requested to cancel all claims **24-38** presented in the preliminary amendment filed on 8/13/2004 and enter newly presented claims **39-61**. The newly presented claims **39-61** in this preliminary amendment are similar to the originally filed claims with the exception of amendments required to overcome the claim objections and rejections under 35 USC paragraph 112.

### *List of Inventors*

In the preliminary amendment filed on 8/13/2004, it was requested to delete David Bloom as an inventor based on claim amendments (37 CFR 1.48(b)). However, since the newly presented claims are similar to the originally filed claims inventor David Bloom should be re-instated as an inventor.

It is noted that 37 CFR 1.48 does not include a provision for reinstating an inventor after the submission of an amendment pursuant to CFR 1.48(b). However, in view of the new claims submitted herewith, applicant requests the office to correct the record by reinstating David Bloom as an inventor in this application. An executed declaration for the instant patent application was filed on 7/7/2004 listing David Bloom as one of the inventors of certain of the originally filed claims. Thus applicant believes no additional documents need to be filed with the Office.

### ***Claim Objections***

Claims **24** and **38** are objected to because of minor spacing problems.

In reply, the Applicant herewith submits claims **39** and **60**, which are similar to claims **24** and **38** respectively. The Applicant further submits that the minor spacing problem with respect to “a reservoir connected to an aperture” as objected to is corrected in new claims **39** and **60**.

The second objection related to former claim **39**, now claim **60**, has been corrected by specifying in claim **60** that “.... said flow regulator comprises at least one of a flexible housing, a flexible membrane pump or a light sensitive polymer flow regulator”.

*Claim rejection – 35 USC 112*

Claims **27-31, 34** and **38** are rejected under 35 USC 112, second paragraph.

Claims **27, 28** and **30**:

In reply, the Applicant presents new claim **44** stating “a housing having at least one aperture and a surface biocompatible with at least a portion of a neuronal cell, said surface being micropatterned for directing growth of a neuronal process to said aperture”.

Claims **28** (now claim **45**) and **30** (now claim **46**) depend from claim **27** (now claim **44**).

The amendment to claim **44** makes the rejections to claims **28** and **30** moot.

Claim **29**:

In reply, the Applicant would like to point out that former claim **29** is not included in the new claim set.

Claim **31**:

In reply, the Applicant presents new claim **47** stating “wherein said surface comprises a well, said aperture connecting said well with said reservoir”.

Claim **34**:

In reply, the Applicant presents new claim **50** stating “... wherein said housing is comprised of two layers ....”.

Claim **38**:

In reply, the Applicant presents new claim 61 stating “said flow regulator comprises at least one of a flexible housing, a flexible membrane pump or a light sensitive polymer flow regulator”.

***Claim rejections – 35 USC paragraph 102***

Claims 24 and 26 are rejected under 35 USC 102(a) as being anticipated by Fishman et al., May 2002.

In reply, the Applicant would like to point out that the Fishman paper is not by “others”. Fishman is an inventor on this application as well as on the priority documents to which this invention claims priority. Furthermore, the Applicant would like to point out that the present application claims priority from US Provisional Application 60/301,934 filed on 6/29/2001, which antedates Fishman et al. Thus, Fishman et al. is not prior art to this patent application.

***Double Patenting***

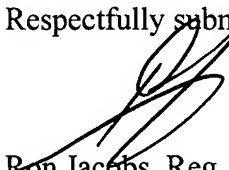
Claims 24, 26-32 and 34-35 are provisionally rejected under the judicially doctrine of obviousness-type double patenting as being un-patentable over claims 1, 3, 6, 36, 40 and 43 of co-pending US Patent Application No. 10/184,210.

In reply, the Applicant hereby files a terminal disclaimer to obviate the provisional double patenting rejection over co-pending US Patent Application No. 10/184,210.

## CONCLUSION

The Applicant hereby submits new claims **39-61**. Applicant believes the new claims in this reply place the application in a condition for allowance. Accordingly, allowance of the claims now in the application is kindly requested.

Respectfully submitted,



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